

**\*\* NOTICE:** This is only a preliminary draft of the City-County Council agenda prepared by the Council staff pursuant to Sec. 161-5(b) and may not be complete. The President of the Council has not determined the order of business for this meeting pursuant to Sec. 151-71. The agenda will be final only when approved by the Council at the meeting.

## **AGENDA**

### **CITY COUNTY COUNCIL**

### **AND THE**

### **INDIANAPOLIS POLICE, FIRE, AND SOLID WASTE COLLECTION**

### **SPECIAL SERVICE DISTRICT COUNCILS**

**September 20, 2010**

**7:00 P.M.**

- I. PRAYER AND PLEDGE OF ALLEGIANCE - Councillor Freeman**
- II. ROLL CALL**
- III. INTRODUCTION OF GUESTS AND VISITORS**
- IV. OFFICIAL COMMUNICATIONS**
- V. ADOPTION OF AGENDA**
- VI. APPROVAL OF JOURNALS – August 23, 2010**
- VII. PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 213, 2010 (Council Resolution)

INTRODUCED: 07/26/2010 BY: Councillor Hunter

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: appoints Clark G. Rehme to the Animal Care and Control Board

COMMITTEE ACTION:

07/28/2010 Postpone until 9/1/2010 7-0

09/08/2010 Do Pass 8-0

PROPOSAL NO. 226, 2010 (Council Resolution)

INTRODUCED: 08/23/2010 BY: Councillors Freeman, Cardwell, Cain and Speedy

REFERRED TO: Metropolitan Development Committee

DIGEST: reappoints Alan Retherford to the Metropolitan Board of Zoning Appeals, Division III

COMMITTEE ACTION:

09/13/2010 Do Pass 5-3

## **VIII. INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 230, 2010 (Fiscal Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor Speedy

REFERRED TO: Public Works Committee

DIGEST: adopts the operating budget of the Ben Davis Conservancy District Marion County, Indiana, for the fiscal year 2011

PROPOSAL NO. 246, 2010 (General Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor Pfisterer

REFERRED TO: Administration and Finance Committee

DIGEST: amends the Code to permit the transfer of funds as necessary, by appropriation, between the Risk Management Reserve Fund and the Motor Vehicle Liability Reserve Fund

PROPOSAL NO. 247, 2010 (General Resolution)

INTRODUCED: 09/20/2010 BY: Councillor Rivera

REFERRED TO: Administration and Finance Committee

DIGEST: approves the issuance of special taxing district bonds of the Redevelopment District in an amount not to exceed \$45,000,000 to refund Redevelopment District Tax Increment Revenue Bonds of 1991 (Harding Street Project) and fund related costs

PROPOSAL NO. 248, 2010 (Fiscal Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor Malone

REFERRED TO: Municipal Corporations Committee

DIGEST: adopts the operating and maintenance budgets and tax levies of the Indianapolis Airport Authority District of Indianapolis for the fiscal year 2011

PROPOSAL NO. 249, 2010 (Fiscal Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor Malone

REFERRED TO: Municipal Corporations Committee

DIGEST: adopts the operating budget of the Capital Improvement Board of Managers for the fiscal year 2011

PROPOSAL NO. 250, 2010 (Fiscal Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor Malone

REFERRED TO: Municipal Corporations Committee

DIGEST: adopts the operating and maintenance budgets and tax levies of the Health and Hospital Corporation for the fiscal year 2011

PROPOSAL NO. 251, 2010 (Fiscal Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor Malone

REFERRED TO: Municipal Corporations Committee

DIGEST: adopts the operating and maintenance budgets and tax levies of the Indianapolis Public Transportation Corporation for the fiscal year 2011

PROPOSAL NO. 252, 2010 (Fiscal Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor Malone

REFERRED TO: Municipal Corporations Committee

DIGEST: adopts the operating and maintenance budgets and tax levies of the Indianapolis-Marion County Public Library Board for the fiscal year 2011

## **VIII. INTRODUCTION OF PROPOSALS**

### **PROPOSAL NO. 253, 2010 (Fiscal Ordinance)**

INTRODUCED: 09/20/2010 BY: Councillor Hunter

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: approves an additional appropriation of \$299,830 in the 2010 Budget of the Indianapolis Fire Department (Federal Grants Fund) to fund the purchase of quartermaster supplies and rescue equipment, maintenance and fuel usage, and personnel expenses, funded by a grant from the Department of Homeland Security

### **PROPOSAL NO. 254, 2010 (General Ordinance)**

INTRODUCED: 09/20/2010 BY: Councillor McQuillen

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: approves the consolidation of the Lawrence Township Fire Department with the Indianapolis Fire Department on or after January 1, 2011

### **PROPOSAL NO. 255, 2010 (General Ordinance)**

INTRODUCED: 09/20/2010 BY: Councillors Hunter and Vaughn

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: amends the Code to institute certain professional integrity reforms in the Department of Public Safety and the Indianapolis Metropolitan Police Department

### **PROPOSAL NO. 256, 2010 (Council Resolution)**

INTRODUCED: 09/20/2010 BY: Councillors Lewis and B. Mahern

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: establishes a bi-partisan commission to examine and investigate the internal procedures of the Indianapolis Metropolitan Police Department, to hold public hearings and take public input, to seek input from officers, and to report to the mayor findings and recommendations about improvements

### **PROPOSAL NO. 257, 2010 (Council Resolution)**

INTRODUCED: 09/20/2010 BY: Councillors Sanders, B. Mahern, Brown and Oliver

REFERRED TO: Rules and Public Policy Committee

DIGEST: establishes an investigative committee to investigate the City of Indianapolis' public safety leaders' response to matters related to the Bisard incident on August 6, 2010 and in the weeks following

### **PROPOSAL NO. 258, 2010 (General Resolution)**

INTRODUCED: 09/20/2010 BY: Councillor Speedy

REFERRED TO: Public Works Committee

DIGEST: establishes that the Council is interested in making the purchase of specified land owned by James and Dee Frazell through a permanent easement and two temporary easements for the Castleton Relief Sewer project

### **PROPOSAL NO. 259, 2010 (General Resolution)**

INTRODUCED: 09/20/2010 BY: Councillor Speedy

REFERRED TO: Public Works Committee

DIGEST: establishes that the Council is interested in making the purchase of specified land owned by Sylvan Ridge Lakes Homeowners Association through a permanent easement and temporary construction easement for the Castleton Relief Sewer project

## **VIII. INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 260, 2010 (General Resolution)

INTRODUCED: 09/20/2010 BY: Councillor Speedy

REFERRED TO: Public Works Committee

DIGEST: establishes that the Council is interested in making the purchase of specified land owned by Harbour Club Homeowners Association through a permanent easement, temporary construction easement, temporary easement for dewatering and a temporary ingress-egress easement for the Castleton Relief Sewer project

PROPOSAL NO. 261, 2010 (General Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor Hunter

REFERRED TO: Public Works Committee

DIGEST: amends Chapter 575 of the Code to add registered rain gardens as an exemption to environmental public nuisances and corrects clerical errors

PROPOSAL NO. 262, 2010 (General Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor Gray

REFERRED TO: Public Works Committee

DIGEST: authorizes intersection controls in the Knollton Place Subdivision (District 8)

PROPOSAL NO. 263, 2010 (General Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor Day

REFERRED TO: Public Works Committee

DIGEST: authorizes a weight limit restriction on Asbury, Dawson and Randolph Streets from Minnesota Street to Lawton Avenue (District 20)

PROPOSAL NO. 264, 2010 (General Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor Day

REFERRED TO: Public Works Committee

DIGEST: authorizes a multi-way stop at the intersection of Draper and Kelly Streets (District 20)

PROPOSAL NO. 265, 2010 (General Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor Freeman

REFERRED TO: Public Works Committee

DIGEST: authorizes intersection controls in the Chessington Cove Subdivision (District 25)

PROPOSAL NO. 266, 2010 (Council Resolution)

INTRODUCED: 09/20/2010 BY: Councillor Lutz

REFERRED TO: Rules and Public Policy Committee

DIGEST: appoints Donald Harmon to the Common Construction Wage Committee for Wayne Township

PROPOSAL NO. 267, 2010 (General Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor Lutz

REFERRED TO: Rules and Public Policy Committee

DIGEST: amends Chapters 285, 645 and 851 of the Code regarding the telecom and video services agency to make it consistent with state law

## **VIII. INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 268, 2010 (General Ordinance)

INTRODUCED: 09/20/2010 BY: Councillors Lewis, Gray, Oliver, Moriarty Adams, Minton-McNeill and Brown

REFERRED TO: Rules and Public Policy Committee

DIGEST: amends the Code to prohibit the sale, public display for sale, or attempt to sell, give or barter synthetic marijuana, synthetic cannabinoid or any synthetic equivalent thereof of the substances contained in or general derived from the plant Cannabis, or in the resinous extract of Cannabis

## **IX. SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 244, 2010 (Special Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor Cardwell

REFERRED TO: Economic Development Committee

DIGEST: a final bond ordinance for Clarian Health Partners, Inc. in an amount not to exceed \$55,000,000 to provide all or part of the cost of acquisition, construction, renovation, improvement and equipping of the Clarian Projects, consisting of a new administrative office, retail building, related parking garage, neurosciences center, and a replacement fire station, all located in a previously designated allocation area on the west side near 16th and Illinois Streets and Senate Boulevard (District 15)

COMMITTEE ACTION:

09/16/2010 Do Pass 6-0

PROPOSAL NO. 245, 2010 (Special Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor Cardwell

REFERRED TO: Economic Development Committee

DIGEST: a final bond ordinance for American Institute of Toxicology, Inc. (AIT) in an amount not to exceed \$5,600,000 to provide all or part of the cost of acquisition, construction, and equipping of certain additions or improvements to the properties of AIT, including offices, research and development buildings, facilities and equipment at 7820 Innovation Boulevard, including infrastructure and local public improvements in the 86th Street and Zionsville Road Economic Development Area (District 1)

COMMITTEE ACTION:

09/16/2010 Do Pass 6-0

PROPOSAL NO. 269, 2010 (Rezoning Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor McHenry

REFERRED TO: Committee of the Whole

DIGEST: rezoning ordinance certified by the Metropolitan Development Commission on September 9, 2010

PROPOSAL NO. 270, 2010 (Rezoning Ordinance)

INTRODUCED: 09/20/2010 BY: Councillor McHenry

REFERRED TO: Committee of the Whole

DIGEST: rezoning ordinance certified by the Metropolitan Development Commission on September 10, 2010

PROPOSAL NOS. 271-272, 2010 (Rezoning Ordinances)

INTRODUCED: 09/20/2010 BY: Councillor McHenry

REFERRED TO: Committee of the Whole

DIGEST: rezoning ordinances certified by the Metropolitan Development Commission on September 10, 2010

**X. SPECIAL ORDERS - PUBLIC HEARING**

**COMMITTEE OF THE WHOLE COUNCIL  
PUBLIC TESTIMONY – BUDGET ORDINANCES**

**PROPOSAL NO. 230, 2010** (Fiscal Ordinance)

DIGEST: adopts the operating budget of the Ben Davis Conservancy District Marion County, Indiana, for the fiscal year 2011

**PROPOSAL NO. 248, 2010** (Fiscal Ordinance)

DIGEST: adopts the operating and maintenance budgets and tax levies of the Indianapolis Airport Authority District of Indianapolis for the fiscal year 2011

**PROPOSAL NO. 249, 2010** (Fiscal Ordinance)

DIGEST: adopts the operating budget of the Capital Improvement Board of Managers for the fiscal year 2011

**PROPOSAL NO. 250, 2010** (Fiscal Ordinance)

DIGEST: adopts the operating and maintenance budgets and tax levies of the Health and Hospital Corporation for the fiscal year 2011

**PROPOSAL NO. 251, 2010** (Fiscal Ordinance)

DIGEST: adopts the operating and maintenance budgets and tax levies of the Indianapolis Public Transportation Corporation for the fiscal year 2011

**PROPOSAL NO. 252, 2010** (Fiscal Ordinance)

DIGEST: adopts the operating and maintenance budgets and tax levies of the Indianapolis-Marion County Public Library Board for the fiscal year 2011

**PROPOSAL NO. 231, 2010** (P.S.S.D.F.O.)

DIGEST: approves the tax levies and rates for the Police Special Service District for 2011

**PROPOSAL NO. 232, 2010** (F.S.S.D.F.O.)

DIGEST: approves the tax levies and rates for the Fire Special Service District for 2011

**PROPOSAL NO. 233, 2010** (S.W.C.S.S.D.F.O.)

DIGEST: adopts the tax levy and rate for the Solid Waste Collection Special Service District for 2011

**PROPOSAL NO. 234, 2010** (Fiscal Ordinance)

DIGEST: adopts the annual budget for the City of Indianapolis and Marion County for 2011

**XI. SPECIAL ORDERS - UNFINISHED BUSINESS**

**XII. SPECIAL ORDERS - FINAL ADOPTION**

**PROPOSAL NO. 211, 2010** (Special Resolution)

INTRODUCED: 07/26/2010 BY: Councillor Sanders

REFERRED TO: Administration and Finance Committee

DIGEST: determines the need to lease approximately 40,750 square feet of commercial office space at 3737 East Washington Street for use by the Marion County Election Board

COMMITTEE ACTION:

07/27/2010 Postpone until 8/31/2010 6-0

08/31/2010 Do Pass 6-1

## **XII. SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 228, 2010 (General Ordinance)

INTRODUCED: 08/23/2010 BY: Councillor Vaughn

REFERRED TO: Rules and Public Policy Committee

DIGEST: amends the Revised Code of the Consolidated City and County to correct certain obsolete references to the Indiana Code

COMMITTEE ACTION:

08/30/2010 Do Pass 8-0

## **XIII. SPECIAL SERVICE DISTRICT COUNCILS**

## **XIV. NEW BUSINESS**

## **XV. ANNOUNCEMENTS AND ADJOURNMENT**

*The President*                      The docketed agenda for this meeting of Council having been completed, the Chair will now entertain motions for adjournment.

*President's Designee*            Mr. President.

*The President*                      The Chair recognizes Councillor Pfisterer.

*The Councillor*                      Mr. President, I have been asked to offer the following motion for adjournment:

by Councillor Cain in memory of Loren V. "Mike" Hunt.

by Councillor Moriarty Adams in memory of Tiffany Bogard, Anna Tex, and Patricia "Pat" Parent.

Mr. President, I would like to move the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of those persons I have here specifically named. I respectfully ask the support of fellow Councillors. I further request that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the family of each person advising of this action.

*The President*                      Thank you, Councillor Pfisterer. Hearing no objections, the motion is received and the requests are so ordered.

Hearing no further motions, we are adjourned.

## **XVI. PENDING PROPOSALS**

### **PROPOSAL NO. 371, 2009 (General Ordinance)**

INTRODUCED: 10/05/2009 BY: Councillors Hunter and Mansfield

REFERRED TO: Community Affairs Committee

DIGEST: amends the Code with respect to nonsmoking areas

COMMITTEE ACTION:

10/14/2009 Do Pass As Amended 4-2

COUNCIL ACTION:

10/26/2009 Indecisive Vote 12-13

10/26/2009 Tabled 14-13

11/09/2009 Overruled Chair's Decision on Tabling 12-16

11/09/2009 Postpone until 11/30/2009 28-0

11/30/2009 Returned to Committee 20-7

COMMITTEE ACTION:

12/30/2009 Postpone until 4/14/2010 4-0

04/14/2010 Tabled 6-0

### **PROPOSAL NO. 79, 2010 (Council Resolution)**

INTRODUCED: 02/22/2010 BY: Councillors Sanders, Mansfield, Minton-McNeill, Lewis, Moriarty Adams, B. Mahern, Bateman, Nytes, Oliver and Evans

REFERRED TO: Rules and Public Policy Committee

DIGEST: supports an open and transparent discussion concerning the proposal to sell or to otherwise dispose of water-related resources, water facilities, assets and properties of Indianapolis Water, and that any such disposition or decision to retain such assets be a matter reserved to the City-County Council

COUNCIL ACTION:

02/22/2010 Referred to Committee

COMMITTEE ACTION:

03/31/2010 Postpone until 04/13/2010

04/13/2010 Tabled 4-3

### **PROPOSAL NO. 145, 2010 (Fiscal Ordinance)**

INTRODUCED: 04/26/2010 BY: Councillor Sanders

REFERRED TO: Parks and Recreation Committee

DIGEST: reduces the \$27,562,000 appropriation to the Capital Asset Development Capital Project Fund by \$3,500,000 and approves an additional appropriation of \$3,500,000 in the 2010 Budget of the Department of Parks and Recreation (Parks General Fund) to fund pool improvements and pool related operating costs at Wes Montgomery Park

### **PROPOSAL NO. 183, 2010 (General Ordinance)**

INTRODUCED: 06/07/2010 BY: Councillors Lutz, Speedy, Hunter, Scales, Freeman, Rivera, McQuillen, Cardwell, Day and McHenry

REFERRED TO: Rules and Public Policy Committee

DIGEST: amends the Code to consolidate the department of waterworks board of directors into the board of public works

COMMITTEE ACTION:

07/06/2010 Tabled 7-0



## **XVI. PENDING PROPOSALS**

PROPOSAL NO. 196, 2010 (General Resolution)

INTRODUCED: 06/28/2010 BY: Councillor Evans

REFERRED TO: Rules and Public Policy Committee

DIGEST: urges the State of Arizona to repeal SB 1070, that no other state enact similar law, that the U.S. Congress consider and act expeditiously to enact comprehensive immigration reform, and that the City and County neither hold nor attend official meetings in the State of Arizona, nor enter into any new contract for goods or services with vendors situated in Arizona until the new Arizona immigration law is repealed

COMMITTEE ACTION:

07/06/2010 Tabled 7-0

PROPOSAL NO. 224, 2010 (General Ordinance)

INTRODUCED: 07/26/2010 BY: Councillor Hunter

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: amends the Code to revise procedures for approval of drug free community fund expenditures

COMMITTEE ACTION:

07/28/2010 Postpone until 9/1/2010 7-0

09/08/2010 Postpone until 9/22/2010 8-0

PROPOSAL NO. 225, 2010 (General Ordinance)

INTRODUCED: 08/23/2010 BY: Councillor Brown

REFERRED TO: Rules and Public Policy Committee

DIGEST: amends the Code requiring the Purchasing Division to adopt rules to give a preference to Indiana businesses pursuant to IC 5-22-15-20 and to companies participating in the Indiana Business Plan

COMMITTEE ACTION:

08/30/2010 Amend and Postpone until 12/14/2010 8-0

PROPOSAL NO. 227, 2010 (General Ordinance)

INTRODUCED: 08/23/2010 BY: Councillor Hunter

REFERRED TO: Public Works Committee

DIGEST: authorizes intersection controls at Beechwood Avenue and Good Avenue (District 21)

PROPOSAL NO. 229, 2010 (Special Ordinance)

INTRODUCED: 08/23/2010 BY: Councillor Malone

REFERRED TO: Rules and Public Policy Committee

DIGEST: approves and authorizes the execution of a concession agreement to grant a concessionaire the right to operate, maintain and improve the metered parking system of the City of Indianapolis and amends the Code to provide for, among other things, new metered parking zones, hours of operation and rates for the metered parking system in accordance with the provisions set forth in such concession agreement

COMMITTEE ACTION:

08/30/2010 Took No Action

PROPOSAL NO. 231, 2010 (P.S.S.D.F.O.)

INTRODUCED: 08/23/2010 BY: Councillor Hunter

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: approves the tax levies and rates for the Police Special Service District for 2011

## **XVI. PENDING PROPOSALS**

PROPOSAL NO. 232, 2010 (F.S.S.D.F.O.)

INTRODUCED: 08/23/2010 BY: Councillor Hunter

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: approves the tax levies and rates for the Fire Special Service District for 2011

PROPOSAL NO. 233, 2010 (S.W.C.S.S.D.F.O.)

INTRODUCED: 08/23/2010 BY: Councillor Speedy

REFERRED TO: Public Works Committee

DIGEST: adopts the tax levy and rate for the Solid Waste Collection Special Service District for 2011

PROPOSAL NO. 234, 2010 (Fiscal Ordinance)

INTRODUCED: 08/23/2010 BY: Councillor Vaughn

REFERRED TO: Administration and Finance, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice and Public Works Committees

DIGEST: adopts the annual budget for the City of Indianapolis and Marion County for 2011